IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

Single Bench

W.P.NO. 4653 / 2005

PETITIONER : Plaintiff

Radharani Arora, W/o Vazirchand Arora, Aged about 48 years, R/o Industrial Estate Housing Nirman Colony, Nandini Road, Bhilai District- Durg (CG)

4695/05
Presented by Sunil Das
12/9/05
dated

Versus

RESPONDENTS : Defendents

1. Ramesh Kumar @ Ramesh Lal S/o Tarachand Arora, Aged about 29 years;
2. Kishore Lal, S/o Tatachand Arora, Aged about 27 years;
3. Smt. Sahab Devi W/o Tarachand Arora, Aged about 57 years;
4. Hira Lal, S/o Tarachand Arora, Aged about 19 years;
5. Smt. Rajkumari, D/o Tarachand Arora, Aged about 30 years;
6. Ku. Meena @ Babbu D/o Tarachand Arora, aged about 19 years;

All residents of Circular Market, Camp No.2, Power House, Near Shitla Mata Mandir, Bhilai, District- Durg (CG).

WRIT PETITION UNDER ARTICLE ~~226~~ 227 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioners:

As stated above in the cause title.

2. Particulars of the Respondents:

As stated above in the cause title.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP.NO.4653/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30-9-2005

Shri P. Diwakar, Sr. Advocate with Miss Sunita Jain, Advocate for the petitioner.

This petition has been filed under Article 227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 1-2-2000 passed by the District Judge, Durg in civil suit No.23-A/99 whereby the learned District Judge has rejected the application filed on behalf of the petitioner under Order 13 Rule 2 of the C.P.C. for taking photocopy of the receipts on record as also the application filed under Order 6 Rule 17 of the C.P.C. for amendment of the plaint.

I have heard learned counsel for the petitioner and perused the impugned order.

Perusal of the impugned order shows that vide application under Order 13 Rule 2 of the C.P.C. the petitioner wanted to produce 3 documents namely, photocopies of the municipal receipts, and these photocopies were of attested copies of the documents. As the attested copies itself were not produced before the trial Court, the trial Court has rightly held that when the photocopies of the attested copies were not admissible and why attested copies were not produced by the petitioner is not explained in the application. Therefore, I do not find any illegality or infirmity in the impugned order in rejecting the application under Order 13 Rule 2 of the C.P.C.

The application under Order 6 Rule 17 of the C.P.C. was rejected by the trial Court on the ground that allowing the amendment asked for is contrary to the pleadings in the plaint. The petitioner herein filed a suit against respondents for eviction and arrears of rent on the ground of

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

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AN	landlord and tenant relationship. By the instant amendment the petitioner wants the necessary para-3-A showing that the Patta dated 14-8-97 which has been issued in favour of the defendants has been questioned in a civil suit filed by the petitioner and her son, therefore, this amendment was not relevant and necessary for the just decision of the case for the reason that the suit filed against respondents herein was on account of the landlord and tenant relationship. I do not find illegality or infirmity in the impugned order. Therefore, this petition is not maintainable, same is liable to be dismissed and it is accordingly dismissed. Consequently, M.(W.)P. No.3775/2005 and I.A. No.8368/2005 stand disposed of. **Sd/-** **L.C. Bhadoo** **Judge**	
Barve		